

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALAN TROY HOUSER,

Petitioner,

v.

MICHAEL ZAKEN, et al,

Respondents.

Civil Action No. 2:20-cv-1936

Hon. William S. Stickman IV

Hon. Cynthia Reed Eddy

ORDER OF COURT

AND NOW, this 26th day of July 2022, after Petitioner, Alan Troy Houser, filed a Petition for Writ of Habeas Corpus (ECF No. 5), and after a thorough Report and Recommendation was filed by Chief Magistrate Cynthia Reed Eddy recommending the denial of all Petitioner's claims and the denial of a certificate of appealability (ECF No. 28), and having received Petitioner's Objections (ECF No. 29) and conducting its independent *de novo* review of the entire record, the Court hereby ADOPTS Chief Magistrate Judge Eddy's Report and Recommendation as its Opinion. It concurs with her thorough legal analysis of Petitioner's claims, her legal conclusions, and her recommendations. It has independently reached the same conclusions. The Court hereby OVERRULES Petitioner's Objections (ECF No. 29).

IT IS HEREBY ORDERED that Petitioner's Writ of Habeas Corpus is DENIED.

IT IS FURTHER ORDERED that that a certificate of appealability is DENIED. Reasonable jurists would not find the Court's conclusion – i.e., that each of Petitioner's claims is without merit – debatable or wrong.¹

¹ A certificate of appealability may issue only upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must "demonstrate that reasonable

AND, IT IS FINALLY ORDERED that, pursuant to Federal Rule of Appellate Procedure 4(a)(1), if Petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided in Federal Rule of Appellate Procedure 3.

The Clerk is directed to mark this CASE CLOSED.

BY THE COURT:


WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE

jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004).